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Board of Vocational Nursing
and Psychiatric Technicians

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2010-704

BETTY ELLEN MAHONEY
9900 1/2 Aim Avenue
Bakersfield, CA 93307

A C C U S A T I O N

Vocational Nurse License No. VN 172535

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about June 15, 1995, the Board of Vocational Nursing and Psychiatric Technicians (Board) issued Vocational Nurse License No. VN 172535 to Betty Ellen Mahoney (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2013, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

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2 "(f) Conviction of a crime substantially related to the qualifications, functions, and duties
3 of a licensed vocational nurse, in which event the record of the conviction shall be conclusive
4 evidence of the conviction."

5 **REGULATORY PROVISIONS**

6 8. California Code of Regulations, title 16, section 2521 states, in pertinent part:

7 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
8 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
9 considered to be substantially related to the qualifications, functions or duties of a licensed
10 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed
11 vocational nurse to perform the functions authorized by his license in a manner consistent with
12 the public health, safety, or welfare."

13 **COST RECOVERY**

14 9. Section 125.3 states, in pertinent part, that the Board may request the administrative
15 law judge to direct a licensee found to have committed a violation or violations of the licensing
16 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
17 case.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Conviction of a Substantially Related Crime)**

20 10. Respondent is subject to disciplinary action under section 2878, subdivision (f) and
21 490, in conjunction with California Code of Regulations, title 16, section 2521, in that
22 Respondent has been convicted of a crime substantially related to the qualifications, functions or
23 duties of a licensed vocational nurse. On or about September 26, 2011, Respondent was
24 convicted by a jury of one felony count of violating Penal Code section 245, subdivision (A)(1)
25 [assault with a deadly weapon] in the criminal proceeding entitled *The People of the State of*
26 *California v. Betty Ellen Mahoney* (Super. Ct. Kern County, 2011, No. BF133242A). The Court
27 Sentenced Respondent to serve 5 years in State Prison and denied probation. The circumstances
28 surrounding the conviction are that on or about July 24, 2010, Respondent hit her neighbor on the

1 head with a beer bottle. The beer bottle broke and she struck him again, cutting his ear and the
2 left side of his neck, causing a 1 1/2 inch laceration to his jugular vein. Respondent was
3 subsequently arrested for violating Penal Code section 187 [attempted murder] and Penal Code
4 section 245, subdivision (A)(1) [assault with a deadly weapon].

5 **DISCIPLINARY CONSIDERATIONS**

6 11. In order to determine the degree of discipline, if any, to be imposed on Respondent,
7 Complainant alleges the following:

8 a. On or about March 29, 2010, the Board issued Respondent a notice of warning
9 regarding her 1989 conviction.

10 b. On or about March 22, 1989, after pleading nolo contendere, Respondent was
11 convicted of one misdemeanor count of violating Penal Code section 602, subdivision (j)
12 [trespass: injure property] in the criminal proceeding entitled *The People of the State of*
13 *California v. Betty Ellen Mahoney* (Super. Ct. Los Angeles County, 1989, No. 89P01386). The
14 Court placed Respondent on 12 months probation, with terms and conditions.

15 c. On or about March 16, 1988, after pleading guilty, Respondent was convicted of one
16 misdemeanor count of violating Vehicle Code section 23152, subdivision (a) [driving under the
17 influence of alcohol or drugs] in the criminal proceeding entitled *The People of the State of*
18 *California v. Betty Ellen Mahoney* (Super. Ct. Kern County, 1988, No. KM002404A). The Court
19 placed Respondent on 3 years probation, with terms and conditions.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Vocational Nurse License No. VN 172535, issued to Respondent;
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: NOV 13 2012



TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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